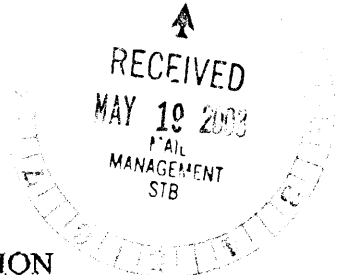


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RRBEFORE THE SURFACE TRANSPORTATION BOARD  
OF THE UNITED STATES OF AMERICA

FINANCE DOCKET NO. 30186 (Sub-No. 3)

TONGUE RIVER RAILROAD COMPANY CONSTRUCTION  
AND OPERATION, WESTERN ALIGNMENT

I am Mark Fix and I own a ranch about 20 miles Southwest of Miles City, Montana. My ranch will be crossed by the proposed Tongue River Railroad.

Although I am on a section of the Tongue River Railroad (TRR) that supposedly has approval, no building has taken place. No one has contacted me for the last two or three years to try to build the Tongue River Railroad. It has been quite refreshing. I have not had to watch so closely for Tongue River Railroad personnel trespassing on my property and there have not been any helicopters flying over surveying.

The laws have been changed in Montana now and the railroad can only obtain an easement and payment must be made for every use that is made of the easement. If TRR wishes to place a fiber optic line along the route we will be compensated similar to the \$40,000 per mile as is customary in other parts of the country. If a pipeline is desired along the route we must be paid for that as well. With an easement we can get the land back more easily at the end of the project.

Obviously the TRR cannot pay for itself with income from the local Otter Creek coal mines or the TRR would have already been built. TRR has repeatedly stated that the railroad is not feasible without income from Wyoming rail traffic.

The Decker Mine has laid off several workers and will probably no longer be able to provide coal for TRR. The Decker Mine would have two rail providers if they choose to transport their coal through Wyoming. This gives them competition for rail service and allows them to get cheaper transportation. The Dakota Minnesota and Eastern rail will provide them with a shorter route than is available now and would be comparable in distance to the proposed TRR.

Mother Nature has not helped TRR with the 17 million plus cubic yards of dirt that has to be moved on the Western Alignment. The dirt is still there, as well as the rock underlying it. It would be a monumental task to build. With the development in the Tongue River drainage of Coal Bed Methane (CBM) the environmental consequences have increased dramatically for the TRR Western Alignment. Massive volumes of CBM water will be discharged into the Tongue River or its tributaries. The CBM

Environmental Impact Statement (EIS) states that 480 billion gallons of water will be discharged over the next 20 years. A study included in the EIS states that approximately 20,000 acre feet of ground water per year will be discharged into the Hanging Woman drainage for the next 20 years. The EPA is currently working on developing Total Maximum Daily Loads (TMDL's) for the Tongue River. No analysis has been done to see what load will be added by the surface exposure in the Western Alignment. I irrigate about 250 acres with Tongue River Water and the water quality is very important to me. The water discharged in the upper Tongue River has a Sodium Adsorption ratio of about 50, while the quality in the upper Tongue River is about .5. All native Montana crops will die with an SAR greater than 12. Last summer we only received 55% of our allocated water. Ponds built to store CBM water held back some of the rainwater from making it to the Tongue River. Last year I had over 500 tons of lost hay production from the lack of water and the increased sodium and salinity from CBM development.

As you recall the water from the Tongue River is specified for Agricultural use only. If the CBM water is used for dust suppression it will surely raise the loads in the Tongue River and threaten irrigated farms and ranches.

The water taken for CBM development is taken from aquifers that we use for household and stock water. Although the water is suitable for these uses, it is not suitable for irrigation. The CBM depletion of water is threatening agriculture in the Tongue River Valley. The Programmatic EIS states that 60% of the groundwater will be lost in the upper Tongue River drainage. The Programmatic EIS states that in some areas you may develop methane or provide ranching and farming but not both. The water drawdown will be so dramatic that replacement wells may not be available per the EIS. The EIS states that it will take hundreds of years to replenish the aquifers. The impacts are so dramatic from CBM development that we cannot take any additional Environmental impacts from a railroad.

There has been an additional Conservation Easement Placed on the Bice ranch that the TRR must now cross. Railroads are hard on wildlife and construction should be avoided on conservation easements.

The CBM development creates several roads, pipelines and power lines on our ranches. The EIS states that from 9000-27000 miles of new roads will be built. The EIS states that 27,917-83,727 miles of new pipelines will be installed. In total the EIS states that 1,463,680 acres will be disturbed. These developments will pressure the wildlife that exists on our property. Fish Wildlife and Parks have stated that they have sited Sage Grouse on my property and I don't want CBM or TRR affecting these populations. The prairie dogs are still present on the existing TRR route on my property and burrowing owls have been sited living in their holes as well. I agree with the Surface Transportation Board that the Wildlife studies need to be completed. In addition the TRR EIS should be redone. The original EIS is over 20 years old and sadly outdated. I urge you to require TRR to redo the entire EIS.

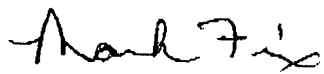
FROM : Mark Fix

FAX NO. : 406 421 5460

May. 09 2003 09:37AM P4

We hear repeatedly about the energy crisis in this country. Why should we waste so much energy transforming the natural landscape in the Western Alignment into a railroad grade when there are other options available?

Sincerely,

 5-9-03

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